

Message Text

CONFIDENTIAL

PAGE 01 PORT A 00691 152106Z

12

ACTION DLOS-04

INFO OCT-01 ARA-06 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 IO-11 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 OIC-02 /115 W
----- 019401

R 151530Z MAR 76

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 1710

INFO USMISSION USUN

C O N F I D E N T I A L PORT AU PRINCE 0691

EO 11652 GDS

TAGS: PLOS, HA

SUBJECT: LOS: HAITIAN VIEWS ON THIRD SESSION

REF: STATE 054588

1. HAITIAN DELEGATION TO THIRD SESSION LOS CONFERENCE WILL BE HEADED BY ITS UN PERMANENT REPRESENTATIVE, AMB. RAOUL SICLAIT. THE NEXT RANKING MEMBER IS AMB. ROLAND AUGUSTIN, ONE OF THE HAITIAN MISSION'S ALTERNATE REPRESENTATIVES. THIRD MEMBER IS ITS MINISTER-COUNSELOR FOR LEGAL AFFAIRS, SERGE ELIE CHARLES. FOURTH MEMBER IS ANTOINE BERNARD, AN ASSISTANT DIRECTOR OF POLITICAL AFFAIRS AT HAITIAN DEPT. OF FOREIGN AFFAIRS & WORSHIP.

2. CHARLES AND BERNARD ALSO ATTENDED THE CARACAS AND GENEVA SESSIONS, AND BETWEEN THEM REPRESENT MOST OF HAITI'S SUBSTANTIVE EXPERTISE ON LOS MATTERS. CHARLES REMAINS, AS BEFORE, THE DE FACTO CHIEF NEGOTIATOR FOR HAITI, WITH AMBASSADORS SICLAIT AND
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PORT A 00691 152106Z

AUGUSTIN PERFORMING LARGELY CEREMONIAL FUNCTIONS.

3. CHARLES, WHO JUST COMPLETED THE SUCCESSFUL RE-DRAFTING OF HAITI'S MINERAL RESOURCES LAW AND PARTICIPATED IN THE DRAFTING OF A CRUCIAL EXPLORATION/EXPLOITATION CONTRACT THE GOH WILL SIGN WITH THE KENNECOTT COMPANY ON MARCH 22, EXPECTS TO RETURN NEW YORK MARCH 16 OR 17. HE PRIVATELY MADE FOLLOWING COMMENTS ON LOS ISSUES CONSIDERED IMPORTANT BY US (REFTEL):

A. DEEP SEABED - HAITI IS ALREADY COMMITTED TO SUPPORT THE LA CONSENSUS POSITION THAT, INTER ALIA, ADVOCATES AN INTERNATIONAL AUTHORITY WHOSE VOTING STRUCTURE WOULD BE ON BASIS ONE COUNTRY, ONE VOTE, AND NO VETO POWER. CHARLES PRIVATELY ADMITS THAT THIS IS "UNREALISTIC" FOR DEVELOPED COUNTRIES WHOSE COMPANIES WOULD BE RISKING SUBSTANTIAL SUMS IN SEABED MINING VENTURES, BUT SAW LITTLE LIKELIHOOD OF HAITI BEING ABLE TO REVERSE LA CONSENSUS. (COMMENT: IF ANY LEADING LA COUNTRY SHIFTS GROUND, HOWEVER, CHARLES COULD POSSIBLY BE WOODED INTO MAKING AN EFFORT WITHIN THE LA CAUCUS; HE WILL NOT, HOWEVER, WASTE HIS TIME ON A LOST CAUSE. THERE IS A CLOSE ANALOGY TO THE LEGAL CONCESSIONS HE JUST HELPED HIS GOVERNMENT AGREE TO IN ORDER TO MAKE THE SIGNING OF THE KENNECOTT CONTRACT POSSIBLE.) CHARLES SAID INsofar AS HAITI CARES, ANY TECHNICALLY AND FINANCIALLY QUALIFIED GROUP COULD SIGN AN EXPLOITATION CONTRACT WITH THE AUTHORITY. AS FOR IMPACT ON LAND-BASED METAL PRODUCERS, CHARLES RUEFULLY POINTED OUT THAT AT CARACAS HAITI HAD NO INTEREST IN SPECIAL MEASURES TO CUSHION SUCH PRODUCERS FROM MARKETING IMPACT OF SEABED MINING. HOWEVER, WITH MAJOR COPPER ORE EXPLOITATION CONTRACTS BEING LET, CONSIDERED TOGETHER WITH THE EXISTING IF SMALL BAUXITE OPERATION, HAITI HAITI IS REASSESSING HER POSITION AND HAS AN OPEN MIND.

B. FISHING - HAITI HAS NO POSITION ABOUT MIGRATORY SPECIES ISSUE, WHICH IS OF NO PRACTICAL CONCERN TO HAITI.

C. TERRITORIAL SEA/ECONOMIC ZONE/CONTINENTAL MARGIN - CHARLES SAID GOH ENDORSES A TWELVE MILE TERRITORIAL SEA, TWO HUNDRED MILE ECONOMIC ZONE, AND CONCEPT THAT ANYTHING BEYOND THE ECONOMIC ZONE IS HIGH SEAS. HAITI SHARES US VIEWS
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PORT A 00691 152106Z

ABOUT MAINTAINING HIGH SEAS NAVIGATIONAL RIGHTS IN ECONOMIC ZONE WITH EXCEPTION OF MARINE POLLUTION ISSUE (SEE PARA F). CHARLES SAID HAITI FAVORED VIEW THAT REVENUES DERIVED FROM MINERAL RESOURCES EXPLOITED BEYOND 200 MILE ECONOMIC ZONE BELONG TO INTERNATIONAL COMMUNITY.

D. LANDLOCKED STATES - HAITI FAVORS GRANTING LANDLOCKED STATES RIGHTS TO EQUAL ACCESS TO THE ECONOMIC ZONE OF NEIGHBOR-

ING COASTAL STATES.

E. MARINE SCIENTIFIC RESEARCH - LA VIEW, WHICH HAITI ACCEPTS, IS THAT COASTAL STATES MUST HAVE SOME CONTROL OVER RESEARCH CONDUCTED IN THEIR TERRITORIAL WATERS, IF ONLY ON SECURITY GROUNDS. CHARLES HAD IMPRESSION THAT FEW COUNTRIES SYMPATHIZED WITH US POSITION. HAITI HOPES COMPROMISE CAN BE FOUND.

F. MARINE POLLUTION - HAITI INTENDS TO MAINTAIN CARIBBEAN ISLAND SOLIDARITY WITH THE OUTSPOKEN ENGLISH-SPEAKING NATIONS, SUCH AS JAMAICA AND THE BAHAMAS, WHO FEEL STRONGLY THAT THEIR ENVIRONMENTAL VULNERABILITY TO MAJOR MARINE POLLUTION IS SO GREAT THAT COASTAL STATES MUST RETAIN THE RIGHT TO ENFORCE DISCHARGE STANDARDS IN NEIGHBORING ECONOMIC ZONE. CHARLES CONCEDES THAT THIS VIEW IS SOMEWHAT INCONSISTENT WITH FREEDOM OF NAVIGATION DOCTRINE WHICH HAITI OTHERWISE SUPPORTS, ADDING THAT HAITI HOPES THAT COMPROMISE CAN BE WORKED OUT ALLOWING FOR LIMITED DEGREE OF COASTAL STATE ENFORCEMENT OF DISCHARGE STANDARDS ON SOME "JOINT-RESPONSIBILITY" BASIS. HAITI HAS NO CONFIDENCE IN RELIANCE UPON FLAG STATES TO ENFORCE NEEDED POLLUTION STANDARDS, GIVEN LAX ATTITUDE OF FLAG-OF-CONVENIENCE STATES.

G. DISPUTE SETTLEMENT - HAITI STRONGLY SHARES US VIEW THAT THERE MUST BE COMPREHENSIVE AND COMPULSORY DISPUTE SETTLEMENT SYSTEM THAT APPLIED TO ENTIRE LOS CONVENTION. IF NOT, HAITI FEARS MUCH OF THE LOS PROVISIONS WILL COME TO NAUGHT IN PRACTICE.
ISHAM

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, POLICIES, MEETINGS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PORTA00691
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760097-1032
From: PORT AU PRINCE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760360/aaaacauq.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 54588
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 10 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 MAY 2004 by woolflhd>; APPROVED <23 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: HAITIAN VIEWS ON THIRD SESSION
TAGS: PLOS, OCON, HA, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006